

WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
June 8, 2005
L&I Headquarters Building, Room S126

Members Present: Randy Loomans, Washington State Labor Council; Michael Roozen, Washington Bulb Company; Glen Foresman, Top Food and Drug; Sharon Ness, United Staff Nurses Local 141; Claude Golden, The Boeing Company; Tom Egan, Board of Industrial Insurance Appeals; Ed Wood, Jr., Communication Workers of America Local 7818; Tim Gottberg, GLY Construction and Michael Wood, Department of Labor & Industries

Member Not Present: Larry Bindner, WA and Northern Idaho District Council of Laborers

Guests: Donovan Quebedeaux and Amy Brackenbury, Building Industry Association of Washington; Gregory Chryst, OSHA Region X; Janice Camp, University of Washington; Dan Fazio, Washington Farm Bureau; Bill Kessler, TOC Management Services; Amber Carter, Association of Washington Business; John Dziedzic, Senate Labor, Commerce, R&D Committee; Jill Reinmuth, House Commerce & Labor Committee and Beverly Simmons, Washington State Hospital Association

Staff Present: Gary Weeks, Judy Schurke, Anne Soiza, Ken Mettler, Rick Goggins, Peregrin Spielhotz, Don Green and Christine Swanson

Recorder: Gerald Franks

Opening Remarks – Michael Wood

- There was no legislation passed this year that directly affected WISHA; however, there were several issues related to the budget including the critical data initiative and a proposal to move several FTEs and related funding from the RTK fund into the Industrial Insurance trust funds (608/609).
- Rep. Conway has requested that we examine patient handling issues in healthcare re: hospitals, nursing homes, etc., and report back to his committee. SHARP will be the lead program on this issue. The first meeting was held last week with the next one scheduled for sometime in July.
- 2006 WISHA request legislation includes clarifying our authority to issue warrants, increasing the RTK fee and removing the funding from the 608/609 accounts and extending the period for reassumption of WISHA appeals.

Gary Weeks, Director of L&I was introduced. Gary was formerly in charge of the Oregon Department of Insurance and Finance which runs that state's workers' compensation system and occupational safety and health program and said that he had turned that program from one with high costs for employers and low benefits to workers to one with rates lower than most states and above average benefits. Gary said that he is looking forward to this opportunity and his goal is to have the best safety and health program in the country. He wants the agency to emphasize clear communication and voluntary consultation and compliance with employers but not at the expense of worker safety and health. Gary appreciates the time and effort the committee has contributed to this effort and looks forward to future interactions with the group. Gary also mentioned that national recruitment is ongoing for a new WISHA assistant director and that he had recently appointed Ernie LaPalm as acting deputy director for Field Services.

SHARP Update – Peregrin Spielholz

Peregrin provided a brief overview of the following SHARP activities and reports (also available on the SHARP website located at www.lni.wa.gov/safety/research):

- The current Fatality Assessment and Control Evaluation (FACE) fatal fact report on hazards to truck drivers loading and unloading.
- Narratives on five recent worker fatalities. Peregrin also included a year-to-date summary of worker fatalities in the state.
- A technical report (#40-1-2005) titled *The Economic Burden of Carpal Tunnel Syndrome (CTS): Long-Run Earnings of CTS Claimants in Washington State, 1993-1994*.
- A new e-newsletter called SHARP FOCUS is now available and contains information on recent developments, new projects and current research findings.

Peregrin also distributed a letter for the committee members to co-sign in support of renewing the federal grant to fund continuation of the Washington FACE program.

Ergonomics Resource Center – Rick Goggins

The division is seeking the committee's guidance on possibly starting an ergonomics resource center. Discussion focused on whether the center could be a convenient resource for those looking for assistance on ergonomics issues, a general or industry-specific information clearinghouse, a physical location with products, training facilities and dedicated staff, etc. The center could involve organizations from universities and colleges, business associations, labor groups, etc. The state of North Carolina's ergonomics center could also be used as a guide. The center could be launched within L&I and eventually spun off outside the agency. Randy, Sharon and possibly Tim tentatively volunteered to serve on an ergonomics center subcommittee. Michael encouraged attendees to contact Rick if they had any questions or suggestions.

In response to questions from the audience, Michael emphasized that the WISHA Resource Center would be a focus of voluntary compliance and have no relationship to enforcement. He also noted that the question in the *Supervalu* case is whether there could be *any* ergonomics-related enforcement. He emphasized that, regardless of the outcome of the case, L&I's focus in relation to ergonomics will be almost entirely on voluntary activity and education of employers and their workers.

Training & Outreach Update – Anne Soiza

- The 2005 Governor's Safety and Health Conference will be held at the new Tacoma convention center on September 28 and 29, 2005. Conference information flyers were recently mailed out to approximately 86,000 employers.
- The "orange" safety & health CD-ROM for current rules and publications is available. New CD's come out about every six months (different color). The sign-up to receive the latest updates is located at: www.lni.wa.gov/Main/Listservs/SafetyStandards.asp.
- The first edition of *Rates Watch* produced by the Industrial Insurance division with assistance from WISHA is now available. This flyer, which assesses the auto towing services classification, will analyze industry trends and advise employers and industry groups on how they can avoid injuries and lower their workers' compensation insurance premiums. Future editions will be published as soon as information is available.
- An updated version of *A Guide to WISHA* is now available.
- The updated *Guideline to Injury and Illness Prevention, Educational Services, Tools and Publications* was distributed.

- 60 safety and health courses are available online with a goal of 80 courses by June 30. WISHA training officers and consultants also have available a new internal on-line safety and health training course.
- The Prevention unit has an information booth available to promote and market WISHA outreach resources and services at trade shows, conferences, conventions and meetings. Dan Fazio invited the group to an agriculture conference in Leavenworth on November 3 & 4, 2005. Contact Ken Mettler at 360-902-6307 if you're interested.
- Several companies have been doing mass mailings using scare tactics noting exaggerated penalties and untruths about federal and state safety & health posters. Anne wanted to thank everyone for getting the word out to employers that these posters are free and downloadable on the internet.
- Michael mentioned that tomorrow (6/9/05) there will be a forum here at L&I involving all agency divisions and 45 small business representatives to discuss workers compensation issues, safety and health issues, etc.

Stakeholder & Community Relations – Michael Wood

There are upcoming stakeholder meetings on agency legislative issues here at the agency headquarters. Labor representatives will meet on June 22. Business stakeholders meet on June 30 and there will be a joint business-labor meeting on August 8. Michael encouraged those interested to contact Christine Swanson at 360-902-6805 for more information.

We are looking for ways to provide more forums to discuss safety and health issues and WISHA staff is available for business and labor meetings or conferences. Michael also thought it would be a good idea to update the committee on current WISHA procedures. The committee agreed to Michael's suggestion of lengthening the September and possibly November meetings to view presentations about WISHA statistics and priorities, the inspection process, distribution of inspections, etc., in addition to regular agenda subjects.

Miscellaneous

- We would like to start a conversation with the committee and others on developing some structure and process on WISHA state unique rules (rules within the agency's control) where it may appear that we create burdens for small business that have minimal worker protection benefits. Discussion included various ways we can engage labor and employee representatives in this discussion, creating a simple "boilerplate" requirement for certain rules, employee complaints to federal OSHA, taking an inventory of state unique rules, whether the rules should be different for small businesses, educating small business groups on rule differences and polling small businesses on rules that affect most effect them. Michael said he would discuss this subject at tomorrow's small business forum.
- An issue was raised about the majority of Washington employers being unaware that we have our own safety and health program separate from OSHA and the possibility of requiring a test for new employers on their knowledge of safety and health requirements to qualify for a business license -- the committee indicated that they would like to begin the process of creating business license testing legislation for a future legislative session. Michael encouraged the committee to lead the discussion on this proposal with their organizations and at the upcoming joint legislative meetings with business and labor and possibly examine how other states test for licenses. There will be more discussion on this subject in September.

- Tom Egan distributed a Board of Industrial Insurance Appeals statistical report for May 2005.

Next Meeting – All

The next meeting of the WISHA Advisory Committee is scheduled for September 14, 2005, in the L&I headquarters building, from 9:00 a.m. to 3:00 in S117.

Tentative agenda items for September:

- SHARP Update
- AGC Ergonomic Program Presentation
- Clear Rule Writing Update
- Business Licensing Legislation Discussion
- WISHA Inspection Overview Presentation

With no further business, the meeting was adjourned.

Future meetings:

November 9, 2005 from 9:00-noon in room S126